

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JOHN KERR, EDWARD LI, TIM
BARNARD, and KENNETH CURTIS,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

ZACKS INVESTMENT RESEARCH,
INC., an Illinois corporation, NATIONAL
MARKETING RESOURCES, LLC, a
Missouri limited liability company;
PARADIGM DIRECT LLC, a Delaware
limited liability company; PARADIGM
DIRECT MARKETING, LLC, a
Delaware limited liability company;
RESPONSE NORTH, LLC, a Utah
limited liability company; and DOES 5-
50, inclusive,

Defendants.

Case No.: 3:16-cv-01352-GPC-BLM

ORDER:

**(1) STAYING CASE FOR 90 DAYS
PENDING MEDIATION**

AND

**(2) CONTINUING HEARING DATES
ON DEFENDANTS' MOTIONS TO
STAY AND MOTIONS TO DISMISS
TO MARCH 24, 2017**

[ECF No. 50.]

On November 2, 2016, Plaintiffs John Kerr, Edward Li, Tim Barnard and Kenneth Curtis (collectively, "Plaintiffs") and Defendants Zacks Investment Research, Inc. ("ZIR"), National Marketing Resources, LLC ("NMR"), Paradigm Direct, LLC

1 (“Paradigm Direct”) and Response North, LLC (“Response North”) (collectively,
 2 “Defendants”) filed a Joint Motion to (1) Stay Case Pending Mediation and (2) Continue
 3 Hearing Dates on Defendants’ Motions to Stay and Motions to Dismiss. (Dkt. No. 50.)

4 Having reviewed the joint motion, and good cause appearing, the Court **GRANTS**
 5 the joint motion.

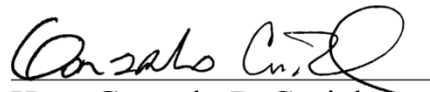
6 **IT IS HEREBY ORDERED** that:

- 7 1. This case is **STAYED**, including all discovery, discovery related motions, and the
 8 deadline for Plaintiffs to file their motion for class certification.
- 9 2. The parties have **90 days** from the issuance of this Order to conduct mediation.
- 10 3. The parties will file a Joint Status Report with the Court within three days of the
 11 completion of the mediation.
- 12 4. The parties are to jointly contact Magistrate Judge Major’s Chambers within three
 13 days of the completion of mediation to obtain new deadlines for pending discovery
 14 motions if mediation is not successful.
- 15 5. The December 9, 2016 and December 16, 2016 hearing dates for the following
 16 motions are **VACATED** and **CONTINUED** to **March 24, 2017**:
 - 17 a. Motion to Stay Proceedings by ZIR (Dkt. 30);
 - 18 b. Motion to Dismiss by ZIR (Dkt. 31);
 - 19 c. Motion to Dismiss by Response North (Dkt. 35);
 - 20 d. Motion to Dismiss by NMR and Paradigm (Dkt. 38); and
 - 21 e. Motion to Stay Proceedings by NMR and Paradigm (Dkt. 39).
- 22 6. Plaintiffs’ deadlines to file oppositions to all motions identified in ¶ 5 above are
 23 hereby continued to February 24, 2017.
- 24 7. Defendants’ deadlines to file replies to their respective motions identified in ¶ 5
 25 above are hereby continued to March 10, 2017.

26 **IT IS SO ORDERED.**

27
 28 *////*

1 Dated: November 2, 2016

2 
3 Hon. Gonzalo P. Curiel
4 United States District Judge
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28